

CONSERVATORSHIP

3

Get a Permanent Appointment for a Minor

Part 3: Preparing for and Attending
the Court Hearing
(Forms Packet)

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Self Service Center

FOR APPOINTMENT OF A PERMANENT CONSERVATOR FOR A MINOR

PART 3: Preparing for and Attending the Court Hearing (Forms Only)

This packet contains court forms to file the court papers to prepare for and attend the court hearing for the appointment of a permanent conservator for a minor.

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Self-Service Center

PREPARATION AND COURT HEARING FOR APPOINTMENT OF CONSERVATOR FOR A MINOR

CHECKLIST

Use the forms and instructions in this packet only if the following factors apply to your situation:

- ✓ You want to have the court appoint a conservator for a minor.
- ✓ You have given notice to all interested parties, or will do so.
- ✓ You have a court hearing scheduled.
- ✓ You need the paperwork to go to the court hearing.

READ ME: It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing. The Self-Service Center has a list of lawyers who can give you legal advice and can help you on a task-by-task basis for a fee. If you want to know more about our list of lawyers and our list of mediators, ask the Self-Service Center staff.

Your Name: _____
 Your Address: _____
 Your Street, City, Zip Code: _____
 Your Telephone Number: _____
 State Bar Number (attorneys only): _____
 Represents ☐ Self (Without a Lawyer) OR
☐ Attorney for _____

SUPERIOR COURT OF ARIZONA MARICOPA COUNTY

In the Matter of the Conservatorship of _____

Case Number: PB _____

☐ an Adult or ☐ a Minor

ORDER TO CONSERVATOR(S) AND ACKNOWLEDGMENT

The welfare and best interest of the person named above ("your protected person") are matters of great concern to this Court. By accepting appointment as conservator you have subjected yourself to the power and supervision of the Court. Therefore, to help avoid problems and to assist you in the performance of your duties, this order is entered. You are required to be guided by it and comply with its provisions, as follows:

1. Immediately locate, identify and inventory all of the assets of the protected person and make proper arrangements for their protection, such as changing the locks on the house, renting a safe deposit box for important documents, etc.
2. File your formal Inventory with the Court no more than 90 days after your appointment as conservator. If you are filing it without an attorney, be sure to put the case name and number on all papers you file with the Court.
3. Immediately begin to take title to all of the protected person's property. The property should be titled in the name of the conservatorship: (Your name) as Conservator(s) of the estate of (Protected Person's Name), or (Protected Person's name by your name), Conservator. Do not put the protected person's funds into joint accounts, trust accounts ("in trust for"), or payable on death (POD) accounts. Do not list yourself as beneficiary on any bank accounts or other assets belonging to the protected person.
4. Keep detailed records of all receipts and expenditures you make on behalf of the protected person, including bills, receipts, bank statements, tax returns, bills of sale, promissory notes, etc. Open a separate conservatorship checking account for deposit of your protected person's income and other receipts, and payment of his/her bills and expenses. Avoid dealing in cash.
5. Establish a budget, pay the protected person's debts when they become due, and properly invest the protected person's assets. You may hire accountants, attorneys and other advisors to help you carry out your duties as the size and the extent of the conservatorship estate may dictate.
6. Keep detailed records of the time you are spending in identifying, managing and protecting the conservatorship estate in case you later decide to ask the Court to be paid for your time from the conservatorship estate.

7. Record certified copies of your Letters of Conservatorship with the County Recorder in each county where the protected person owns property in order to protect title to those properties.
8. If the Court has ordered you to place funds in a restricted account, you must immediately file a receipt from the bank or financial institution showing that you have deposited the money in an account which the bank has restricted in accordance with the Court order. The receipt should include the name and address of the financial institution, the type of account, the account number and the amount deposited.
9. File an annual accounting with the Court no later than one year from the date you were appointed (and each year on the anniversary date of your appointment) showing everything the protected person owned when you were appointed; all sums and property received since your appointment itemized by date, source, purpose and amount; and all expenditures made since your appointment, itemized by date, payee, purpose and amount; and the balance on hand at the end of the accounting period.
10. **NEVER** use any of the protected person's money or property for any reason other than the protected person's direct benefit. You may not profit in any way from access to the protected person's assets. You have a legal duty of undivided loyalty to the protected person. Neither you, your friends, nor other family members may profit by dealing in the assets of the conservatorship estate. You must be cautious and prudent in investing the protected person's assets.
11. You must not make speculative investments. Do not purchase merchandise or services which the protected person would have considered extravagant or inappropriate for his/her lifestyle prior to your appointment. Use the assets to maintain the safety, health and comfort of the protected person, bearing in mind that the protected person may have no additional sources of income for the remainder of his/her life.
12. All conservatorships terminate on the death of the protected person, the depletion of his/her conservatorship estate or upon the minor protected person's reaching 18 years of age. Court proceedings and a final accounting are **required** before you can be discharged as conservator and your bond exonerated (canceled).
13. If you have any questions as to your duties as a conservator, contact an attorney who handles conservatorships **before** taking any action.

THIS IS ONLY AN OUTLINE OF **SOME** OF YOUR DUTIES AS CONSERVATOR. IT IS **YOUR** RESPONSIBILITY TO OBTAIN PROPER LEGAL ADVICE ABOUT YOUR DUTIES. FAILURE TO DO SO MAY RESULT IN PERSONAL FINANCIAL LIABILITY FOR ANY LOSSES.

WARNING: FAILURE TO OBEY THE ORDERS OF THIS COURT AND THE STATUTORY PROVISIONS RELATING TO GUARDIANS AND CONSERVATORS MAY RESULT IN YOUR REMOVAL FROM OFFICE AND OTHER PENALTIES. IN SOME CIRCUMSTANCES, YOU MAY BE HELD IN CONTEMPT OF COURT, AND YOUR CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL, FINE, OR BOTH.

DATED: _____

Judge/Commissioner

Case No. _____

ACKNOWLEDGMENT: THE UNDERSIGNED ACKNOWLEDGES RECEIVING A COPY OF THIS ORDER AND AGREES TO BE BOUND BY ITS PROVISIONS, WHETHER OR NOT HE OR SHE READ IT BEFORE SIGNING, AS LONG AS HE OR SHE IS CONSERVATOR(S).

Signature of Conservator

Date Signed

Signature of Conservator

Date Signed

Your Name: _____
 Your Address: _____
 Your City, State, Zip Code: _____
 Your Telephone Number: _____
 State Bar Number (if applicable): _____
 Representing ☐ Self, Without an Attorney OR
☐ Attorney for _____

SUPERIOR COURT OF ARIZONA MARICOPA COUNTY

In the Matter of the Conservatorship of

Case Number: PB _____

ORDER OF APPOINTMENT OF A PERMANENT CONSERVATOR OF A MINOR

_____ a Minor

The Court has read the sworn "**Petition for Appointment of a Conservator**" and held a hearing to determine whether the Court should enter the Order requested in the Petition.

THE COURT FINDS:

- A. Petitioner is entitled to file the Petition under Arizona law A.R.S. 14-5404(A);
- B. Petitioner has given "**Notice of Hearing**" as required by law or "**Notice of Hearing**" was waived by all interested parties;
- C. Venue in this county is proper;
- D. **CONSERVATORSHIP:**
 - 1. The above-captioned person is an unmarried minor born on _____
 - 2. Appointment of a conservator is necessary because the minor owns money or property that requires management or protection which cannot otherwise be provided or has or may have business affairs which may be jeopardized or prevented by his minority, or the minor needs funds for his or her education and protection is necessary or desirable to obtain or provide funds.
 - 3. (Name) _____, is qualified to serve as Conservator for the minor.

IT IS ORDERED: (check the boxes that apply)

- 1. ☐ **APPOINTMENT OF CONSERVATOR:** The Court appoints:
NAME: _____ as Conservator for the Minor as described in the caption above.
- 2. ☐ **BOND:** ☐ The conservator will serve without bond, restricted letters to issue to him or her upon acceptance of the appointment OR
☐ Bond is set in the amount of \$ _____
- 3. ☐ **FUNDS:** The minor's funds are to be deposited in this jurisdiction, in a federally insured, interest bearing account titled "The Estate of (name of minor), a Minor, by (name of conservator), Conservator."

4. ☐ **RESTRICTED ACCOUNT:** The account is to be restricted, and no withdrawal of principal or interest shall be permitted by the depository except upon receipt of a certified copy of an order of this Court authorizing the withdrawal.
5. ☐ **REINVESTMENT:** The depository may, however, permit reinvestment of the funds within the depository without further order of the Court so long as the funds remain restricted in the same institution, at the same branch.
6. ☐ **PROOF OF RESTRICTED ACCOUNT:** The conservator may only hold funds in a depository which agrees to be bound by the terms of this order and to make written proof of its agreement to be bound, including such proof of the account, the account number, the amount of the deposit, the notarized signature of the depository branch manager, and the agreement not to permit any withdrawal unless it is first provided with a certified copy of this Court's order permitting the withdrawal.
7. ☐ **ESTABLISHING RESTRICTED ACCOUNT:** The ☐ conservator or ☐ attorney for the minor or ☐ attorney for the conservator is responsible for establishing the restricted account and filing the proof required by this order with the Court within 30 days of this order.
8. ☐ **RESTRICTED LETTERS:** Upon entrance of this order, *"Letters of Conservatorship of a Minor"* shall be issued by the Clerk of the Court, Probate Registrar, SUBJECT TO THE FOLLOWING RESTRICTIONS:
9. ☐ **ACCEPTANCE OF LETTERS:** The conservator shall sign the Acceptance of the Letters under oath, and file the Acceptance with the Clerk of the Court, Probate Registrar.
10. ☐ **INVENTORY AND APPRAISEMENT:**
☐ Within 90 calendar days of this date, the Conservator must prepare and file with the Clerk of the Court a detailed inventory of the protected person's assets indicating fair market value, as required by A.R.S. §14-5418. OR,
☐ *"Inventory and Appraisement"* is waived and is not required to be filed with the court.
11. ☐ **ANNUAL ACCOUNTING OF CONSERVATOR:**
☐ The Conservator shall report to the Court for the administration of the protected person's property by filing an accounting on or before _____ and every year thereafter and must petition the court for approval of the annual accounting as required by A.R.S. §14-5319. OR,
☐ Annual Accounting is waived and is not required to be filed with the court.
12. ☐ **ESTATE MANAGEMENT PLAN:**
☐ Within 90 calendar days of this date and with each required annual accounting, the Conservator shall prepare and file with the Clerk of the Court an Estate Management Plan, as required by Local Rule 5.7(c).
☐ The Estate Management Plan is waived and is not required to be filed with the court.
13. **CHANGE OF ADDRESS:** The guardian and conservator shall immediately notify the court in writing of any change in the address of him or herself or of the Minor.
14. **OTHER DUTIES UNDER THE LAW:** The duties of the conservator as required by Arizona law and as set forth in this Order and the Order of Instruction shall continue until the conservator is discharged from these duties by order of this court.

Case No. _____

- 15. IT IS FURTHER ORDERED** setting this matter for internal review within _____ days to determine compliance by person appointed with this Order.

DONE IN OPEN COURT: _____
JUDGE/COMMISSIONER OF THE SUPERIOR COURT

Your Name: _____
 Your Address: _____
 Your City, State, Zip Code: _____
 Your Telephone Number: _____
 Attorney Bar Number (if applicable): _____
 Represents ☐ Self, Without a Lawyer OR
☐ Attorney for _____

SUPERIOR COURT OF ARIZONA MARICOPA COUNTY

In the Matter of
the Conservatorship of

Case Number: PB _____

LETTERS OF APPOINTMENT AS PERMANENT CONSERVATOR ACCEPTANCE OF LETTERS

☐ an Adult or ☐ a Minor

ISSUANCE OF LETTERS:

1. **This person** (name) _____ **is appointed**
as conservator for the above captioned adult or minor.
2. **Reason for appointment:** The above captioned adult or minor is a protected person.
3. **Length of appointment:** until further order of this court.
4. **Restrictions** that apply to this permanent appointment, by order of the court: _____

WITNESS: _____

SEAL

CLERK OF THE SUPERIOR COURT

By: _____
Deputy Clerk

Case No. _____

ACCEPTANCE OF LETTERS OF APPOINTMENT

State of Arizona)
Maricopa County) ss.

I accept the duties as permanent conservator of (NAME) _____ and I swear that I will perform these duties according to law.

CONSERVATOR

Subscribed and sworn to before me this date: _____ by _____

My Commission Expires:

Deputy Clerk/Notary Public